

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

BRITTANY ROSENSTEIN : CIVIL ACTION NO. _____

Plaintiff

VS. : JUDGE PATRICIA MINALDI

WASTEWATER SPECIALTIES, L.L.C.: MAGISTRATE JUDGE KATHLEEN
KAY

Defendant

COMPLAINT FOR VIOLATION OF THE FAIR LABOR STANDARDS ACT

Plaintiff, Brittany Rosenstein, brings this action under the Fair Labor Standards Act as amended (29 USC § 201, et. seq) hereinafter referred to as the Act, to recover unpaid back wages and an additional equal amount as liquidated damages, reasonable attorney's fees and costs for the reasons set out hereinafter.

1.

Jurisdiction of this action is conferred upon the court by Section 16(b) of the Act (29 USC § 216(b)).

2.

Defendant, at all times material to the lawsuit, has been a corporation licensed in Louisiana having a place of business in Sulphur, Louisiana, where it has been engaged in the operation of a business which provides wastewater services, vessel and pipeline services and

repairs to various petrochemical and refining facility customers located in southwest Louisiana which produce goods that are moved through commerce to other States.

3.

At all times material to this lawsuit, Defendant has had a gross volume of sales, or business done, of not less than \$500,000.00 annually. Defendant constitutes an enterprise engaged in commerce as defined by the Act (29 USCA § 203 ® and (s)).

4.

At all times material to this lawsuit, Defendant has employed two (2) or more employees engaged in commerce and/or who provide services to Defendant's customers essential to production of goods by said customers that are moved through commerce to other States.

5.

During the period of time from February 1, 2013 until October 2015, Defendant employed Plaintiff in the aforementioned enterprise and wilfully failed to pay her for her hours worked in excess of 40 hours per week at a rate of at least one and one-half (1 ½) times her regular rate at which she was employed in violation of the requirements of Section 7(a) of the Act (29 USCA § 207(a)).

6.

During the same period of time, Defendant employed other similarly situated employees in the aforesaid enterprise and during said time willfully failed to pay said employees one and one-half (1 ½) times their regular rate of pay for hours worked in excess

of 40 hours per week contrary to the provisions of Section 7(a) of the Act (29 USCA § 207(a)).

7.

As a result of the underpayment of wages alleged above, Defendant is indebted to the Plaintiff and others similarly situated in the amount of unpaid overtime compensation, liquidated damages, reasonable attorney's fees and costs.

8.

The records concerning the number of hours worked by Plaintiff and other similarly situated employees and the compensation they received in work weeks in which they worked in excess of 40 hours a week are in the exclusive possession and under the sole control of the Defendant. Consequently, Plaintiff is unable to state at this time the exact amount owed to her and to others similarly situated.

9.

Plaintiff proposes to obtain such information by appropriate discovery proceedings to be promptly taken in this cause of action and Plaintiff will then seek permission to amend the pleadings hereinafter to state the amount due her and others who might join in this litigation.

WHEREFORE, PLAINTIFF PRAYS that after due proceedings judgment be entered against Defendant in the amount of unpaid overtime compensation due Plaintiff and others employees of Defendant similarly situated, an additional equal amount as liquidated damages, costs and attorney's fees, and for all other general and equitable relief.

Respectfully submitted,

/s/Edward J. Fonti

EDWARD J. FONTI - #5676

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